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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

25 MAY 1994

IN REPLY REFER TO:

RECEIVED 7330-7/1700A3

JUN - 8 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARYHonorable Duncan Hunter
U.S. House of Representatives
133 Cannon House Office Building
Washington, D.C. 20515-0552

Dear Congressman Hunter:

This is in reply to your letter of April 28, 1994, in which you inquired regarding the Notice of Proposed Rule Making (Notice) in PR Docket No. 92-235, 57 FR 54034 (1992). This Notice, sometimes referred to as "refarming," proposes comprehensive changes to the Commission's Rules governing the private land mobile radio (PLMR) services operating in the frequency bands below 512 MHz.

The reason for this Notice is to meet the growing spectrum needs of businesses and public safety agencies throughout the country. Historically, PLMR radio use has approximately doubled every decade. The Commission has met this growing demand through a combination of channel splits and new spectrum allocations. In fact, almost all of the channels below 800 MHz used by public safety agencies were split eight for one over a twenty-five year period since the late 1950's. Increased demand since the mid-1970's was largely met through new spectrum allocations above 800 MHz. At this time, however, the only significant block of spectrum that could be reallocated to meet the needs of public safety agencies would be television spectrum. This would be very controversial, particularly in light of the additional spectrum needs for the Advanced Television initiative.

Thus, we released this Notice to "refarm" the spectrum. The proposals in the Notice reflect to a large extent concepts and proposals submitted in the initial inquiry stages of this proceeding. None of the proposals in the Notice, however, are engraved in stone. Indeed, the proposals represented our best judgment at that stage of the proceeding on steps that must be taken to improve the regulatory climate for users of the private land mobile radio spectrum below 512 MHz. I have enclosed for your information a copy of that part of the Notice that describes the numerous proposals and a discussion paper released March 1, 1993. Almost all the numerous commenters to the Notice, including public safety agencies, approve of the goals of refarming and recognize the need for a channel split. The main objections regard the significant details of implementing such an action. The final rules will balance the current requirements of PLMR licensees with the need for regulations that will permit new technologies and allow expanded use of currently crowded frequency bands. Finally, we intend to establish a lengthy transition that will minimize the cost to all licensees, including public safety agencies.

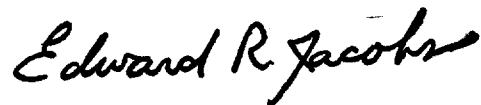
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As indicated above, refarming is just part of our on-going effort to meet the special needs of public safety agencies. These special needs include freedom from market forces including auctions and licensing fees. Moreover, as part of the 1993 Budget Act, Congress has mandated that we undertake a Public Safety needs study and develop a plan to meet those needs. In preliminary contacts on this subject, the public safety community has expressed the opinion that refarming should be part of that effort.

Thank you for your interest in this proceeding. We expect to issue final rules on refarming in late summer and the public safety needs study by early next year. If you have further questions, please contact Dr. Doron Fertig of my staff at (202) 632-6497.

Sincerely,

A handwritten signature in black ink that reads "Edward R. Jacobs". The signature is written in a cursive, flowing style with a prominent flourish at the end.

Edward R. Jacobs
Deputy Chief, Land Mobile and
Microwave Division

Enclosures

Congressional

DUE: 5/25/94

MAY 18 11 52 AM '94

CONGRESSIONAL CORRESPONDENCE TRACKING SYSTEM

05/11/94

LETTER REPORT

CONTROL NO.	DATE RECEIVED	DATE OF CORRESP	DATE DUE	DATE DUE OLA(857)
9402125	05/11/94	04/28/94	05/31/94	

TITLE	MEMBERS NAME	REPLY FOR SIG OF
Congressman	Duncan Hunter	BC

CONSTITUENT'S NAME	SUBJECT
firemen	Frequency information request

REF TO	REF TO	REF TO	REF TO
PRB/2mmD 5-18	P8P		
DATE	DATE	DATE	DATE
05/11/94	5/18/94		

REMARKS: refarming issue

DUNCAN HUNTER
52D DISTRICT, CALIFORNIA
CHAIRMAN
REPUBLICAN RESEARCH COMMITTEE
COMMITTEE ON ARMED SERVICES
RANKING REPUBLICAN
SUBCOMMITTEE ON
MILITARY INSTALLATIONS
AND FACILITIES
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U.S. House of Representatives
Washington, DC 20515-0552

April 28, 1994

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MAY 18 11 52 AM '94

The Honorable Reed Hundt
Chairman
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Dear Mr. Chairman:

Recently, I have been contacted by several fire protection and communications personnel from my district regarding their concern over the FCC's decision to "refarm" law enforcement radio frequencies. I write today to ask for clarification of the FCC policy and to determine how that policy affects public safety.

The underlying concern raised by the fire officials I have talked to is that the FCC's channel splitting of the VHF radio frequencies used by law enforcement, fire, and other emergency agencies lowers the effectiveness of those frequencies and reduces their utility in public safety. The only apparent solution is to replace existing systems with new systems capable of using 800 MHz frequencies—an extremely costly measure for many communities, not only in California but across the nation.

From my conversations, I am concerned that failing to guarantee public safety agencies a bank of frequencies—removed from market pricing and channel splitting—will impair police, fire, and emergency agency activities. I would appreciate hearing the Commission's views on how current FCC policy affects public safety and whether the Commission intends to take any action to guarantee the effectiveness of the existing police and fire communications network.

Thank you for your time and consideration. If you have any questions, please do not hesitate to let me know. I look forward to hearing from you.

With best wishes.

Sincerely,

Duncan Hunter
Member of Congress

DH/dlc